

U.S. Patent Application No. 09/870,296
Reply to Office Action dated August 10, 2005

PATENT
450100-03:02

REMARKS/ARGUMENTS

Reconsideration and withdrawal of the rejections of the application are respectfully requested in view of the amendments and remarks herewith, which place the application into condition for allowance. The present amendment is being made to facilitate prosecution of the application.

Claims 1-6 are currently pending. Claims 1 and 4 are independent. Claim 7 is canceled without prejudice or disclaimer of subject matter.

Claim 7 was rejected under 35 U.S.C. §103(a) as allegedly unpatentable over Chihara (U.S. Patent 6,678,462) (hereinafter, merely, "Chihara") in view of Hite et al. (U.S. Patent 5,774,170) (hereinafter, merely, "Hite").

Chihara and the present application were, at the time the present invention was made, subject to an obligation of assignment to the same organization, i.e., Sony Corporation. Such obligation is evidenced by the recording of assignment documents in the U.S. Patent and Trademark Office.

Accordingly, Chihara is disqualified as prior art in a rejection under 35 U.S.C. §103(a), and thus all of the outstanding rejections based upon Chihara in the above-noted non-final Office Action are overcome.

Independent claims 1 and 4 have been amended to include the subject matter of claim 7, which is deemed allowable.

Therefore, Applicants submit that independent claims 1 and 4 are patentable.

The other claims are dependent from one of the independent claims discussed above and are therefore believed patentable for at least the same reasons. Since each dependent

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claim is also deemed to define an additional aspect of the invention, however, the individual reconsideration of the patentability of each on its own merits is respectfully requested.

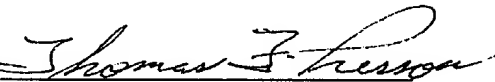
CONCLUSION

Please charge any additional fees that may be needed, and credit any overpayment, to our Deposit Account No. 50-0320.

In view of the foregoing remarks, it is believed that all of the claims in this application are patentable and Applicants respectfully request early passage to issue of the present application.

Respectfully submitted,

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